



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 1788-00
25 August 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you reenlisted in the Navy on 29 September 1978 after eight years of prior honorable service. Your record reflects that you continued to serve for nearly two years without incident but on 15 October 1980 you received nonjudicial punishment (NJP) for absence from your appointed place of duty. The punishment imposed was a reduction in rate, which was suspended for four months. However, on 13 November 1980, the suspension was vacated due to your continued misconduct. On 2 December 1980 you received NJP for an 11 day period of unauthorized absence (UA), and failure to obey a lawful order, and were awarded a reduction in rate

Your record further reflects that on 2 February 1981, after undergoing a medical examination, you were diagnosed with alcohol abuse. At this time you were recommended to participate in a alcohol rehabilitation program and to attend alcoholics anonymous meetings. You were also warned that your failure to complete a alcohol rehabilitation program could result in an administrative separation.

Subsequently, you terminated the alcohol rehabilitation treatment program and were recommended for an administrative separation by reason of unsuitability. On 25 March 1981 you were notified of pending separation action by reason of unsuitability due to alcohol rehabilitation failure. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 22 June 1981 an ADB recommended your retention in the Navy stating that unsuitability by reason of alcohol abuse was not proven. However, on 14 July 1981, your commanding officer recommended you be separated by reason of unsuitability due to the alcohol abuse and alcohol rehabilitation failure. On 12 August 1981 the discharge authority disapproved this recommendation, and directed your commanding officer to reprocess you for an administrative separation in the event of further misconduct.

On 24 December 1981 you received your third NJP for a two day period of UA. The punishment imposed was a \$450 forfeiture of pay and reduction to paygrade E-2. On 22 January 1982 you were again referred for alcohol rehabilitation, and again you refused the treatment. On 27 January 1982 your commanding officer recommended you be administratively separated by reason of unsuitability due to continued misconduct and refusal to participate in an alcohol rehabilitation program. On 5 April 1982 the discharge authority directed your commanding officer to issue you a general discharge by reason of unsuitability, and on 15 April 1982 you were so discharged.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.0. An average of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your application and entire record, carefully weighed all potentially mitigating factors, such as your prior honorable service, post service conduct, and your contention that you would like your discharge upgraded to honorable. The Board further considered your contention that your reason for separation, unsuitability due to alcohol abuse, is unfounded because you were never diagnosed by a physician as an alcohol abuser. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge since your conduct average was insufficiently high to warrant an honorable discharge. Given all the circumstances in your case the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director